

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff-Respondent,
v.
ALEXIS REDD RODGERS (D-5),
Defendant-Petitioner.
Criminal Case No. 10-20235
Civil Case No. 14-12838
HON. DENISE PAGE HOOD

**ORDER DENYING APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF FEES OR COSTS ON APPEAL**

On October 31, 2014, the Court entered a Judgment and Order Denying Defendant Alexis Redd Rodgers' Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255. (Doc. Nos. 474, 475) In its Order, the Court declined to issue a certificate of appealability. (Doc. No. 474) Rodgers filed an untimely and unsigned Notice of Appeal on March 5, 2015, along with an Application to Proceed Without Prepayment of Fees or Costs on Appeal. (Doc. Nos. 491, 492)

The Court finds that any appeal from the Court’s October 31, 2014 Order would be frivolous for the reasons set forth in the Order and because Rodgers filed an untimely Notice of Appeal. Rule 4(a)(1)(A) of the Rules of Appellate Procedure provides that a Notice of Appeal must be filed within 30 days after entry of the judgment or order appealed from. Fed. R. App. P. 4(a)(1)(A). The Court’s docket

indicates Rodgers was served with a copy of the October 31, 2014 Order and Judgment and there is no indication that such was returned as undeliverable to the Court. Appeal of the October 31, 2014 Order and Judgment would be frivolous and would not be taken in good faith. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962), *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997)(overruled on other grounds by *Jones v. Bock*, 549 U.S. 199 (2007)).

Accordingly,

IT IS ORDERED that Defendant Alexis Redd Rodgers' Application to Proceed Without Prepayment of Fees or Costs on Appeal (**Doc. No. 492**) is DENIED.

S/Denise Page Hood

Denise Page Hood
United States District Judge

Dated: March 31, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 31, 2015, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager